

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARC MCCURDY,

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:14-cv-00713-JCM-GWF

ORDER

Petitioner has submitted an amended petition for a writ of habeas corpus (#10). The court has reviewed it pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will serve the amended petition upon respondents for a response.

Petitioner has submitted another motion for appointment of counsel (#11). Nothing in the motion would cause the court to depart from its denial of petitioner's earlier motion.

IT IS THEREFORE ORDERED that the clerk shall add Catherine Cortez Masto, Attorney General for the State of Nevada, as counsel for respondents.

IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a copy of the amended petition (#10) and this order. In addition, the clerk shall return to petitioner a copy of the amended petition (#10).

IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date on which the petition was served to answer or otherwise respond to the petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If

1 respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing
2 Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five
3 (45) days from the date on which the answer is served to file a reply.

4 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
5 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
6 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
7 in the attachment. The hard copy of any additional state court record exhibits shall be
8 forwarded—for this case—to the staff attorneys in Las Vegas.

9 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents or, if
10 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or
11 other document submitted for consideration by the court. Petitioner shall include with the original
12 paper submitted for filing a certificate stating the date that a true and correct copy of the document
13 was mailed to the respondents or counsel for the respondents. The court may disregard any paper
14 received by a district judge or magistrate judge that has not been filed with the clerk, and any paper
15 received by a district judge, magistrate judge, or the clerk that fails to include a certificate of service.

16 IT IS FURTHER ORDERED that the motion for appointment of counsel (#11) is **DENIED**.

17 DATED: March 10, 2015.

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20 JAMES C. MAHAN
United States District Judge